In the High Court for the States of Punjab and Haryana at Chandigarh

…

Civil Revision No.3485 of 2006

Date of decision: 24.9.2007

Arun Malik and others ... Petitioners

Versus

Joginder Singh . .Respondent

Coram: **Hon'ble Mr.Justice Rajesh Bindal**

Present: Mr.Arun Kumar Singal,Advocate
for the petitioners.
Mr.Tarunveer Vashisht,Advocate
for the respondent.

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RAJESH BINDAL,J.

The vendees-defendants in the suit have filed the present petition challenging the order dated 28.4.2006 passed by the learned Additional District Judge, Panipat granting interim injunction in favour of the respondent-plaintiff. Along with the petition, application under Order 1 Rule 10 read with Order 22 Rule 10 CPC was also filed for impleading them as parties in suit. However, during the pendency of the petition before this Court, the petitioners have placed on record an order passed by the trial Court on 19.12.2006 impleading the present petitioners as defendants in the suit, who have purchased the property from the defendants.

The claim made by the petitioners, who are vendees in the suit, is that the interim injunction granted to the respondent-plaintiff is totally contrary to the material on record. The learned lower Appellate Court has misread the jamabandi placed on the record while restraining predecessor-in-interest of the petitioners from dispossessing the respondent-plaintiff from the suit land. It is not in dispute that the suit land is owned by the Gram Panchayat. In the revenue record, it is described as Shamlat Deh. The vendor of the petitioners was merely shown to be in cultivating possession thereof as the entries were in favour of the

father of the respondent-plaintiff . In what capacity, the land was sold by the predecessor-in-interest to the petitioners is not known. Even after the vendor of the petitioners having disclosed in the written statement filed by him that he had already sold the land to the petitioners, they were not impleaded as party either before the trial Court, which had refused to grant interim injunction or before the lower Appellate Court. Not only this, the respondent-plaintiff even filed a separate suit against the present petitioners challenging the sale deed vide which the property in question was transferred in favour of the petitioners by the defendant in the suit. It has also come on record that Civil Revision No.2906 of 2006 filed by the defendant-vendor of the present petitioners challenging the order dated 28.4.2006 was dismissed by this Court on 25.5.2006, while recording that the respondents therein did not have any locus standi, for the reasons that he had already disposed of the land in dispute. The respondent had further placed on record an order dated 28.4.2007 passed by the Consolidation Officer in his favour correcting the khasra girdawari. However, at the time of arguments, learned counsel for the petitioners submitted that the same has been stayed by the appellate Court.

From the facts mentioned above and specially that the land is owned by the Gram Panchayat, who has not even been impleaded as a party in the suit, merely the persons who claimed themselves to be in possession of the land are buying or selling the same. The respondent firstly filed a suit against Birbal and in spite of the fact that he had disclosed that he had already sold the land to the present petitioners, did not implead them as a party to the same but filed a separate suit against the present petitioners challenging the sale deed.

Keeping in view the above facts, it would be in the fitness of things that the parties to the suit maintain status quo regarding possession of the property. The trial Court is directed to expedite the hearing of the suit.

The petition is disposed of accordingly.

September 24,2007 (Rajesh Bindal)
nk Judge